

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CANTRELL,

Plaintiff,

-v-

Case No. 1:18-cv-1163
Hon. Jane M. Beckering

ANTHONY HELING and
SCOTT ARP,

Defendants,

_____ /

**MOTION TO MODIFY THE AMENDED
TRIAL CASE MANAGEMENT ORDER
AND
BRIEF IN SUPPORT**

Plaintiff, pursuant to counsel Daniel E. Manville, requests that this Court modify the present Trial Case Management Order as to the filing of “proof of service of subpoenas” for 10 (ten) days, and states the following:

1. Concurrent was sought in this motion and counsel was not available to provide concurrence or not.
2. Plaintiff file this lawsuit pro se.
3. Counsel Daniel E. Manville filed an appearance on April 30, 2019, and for Defendant a substitute of counsel was filed on May 29, 2019.

4. On March 7, 2002, this Court issued an *Amended Trial Case Management Order*, requiring that the parties “shall file proof of service of subpoenas” on or before July 8, 2022. (ECF No. 120.)
5. Plaintiff is seeking to subpoena the hearing officer who heard the assault misconduct violation written by Defendant Helig, which that hearing officer found Plaintiff not guilty of that charge.
6. This hearing officer, S. Burke 053, works with the Michigan Office of Administrative Hearings and Rules at the time of the misconduct hearing on August 19, 2017.
7. It has been difficult to determine where she could be personally served with a subpoena, in part, that misconduct hearings are not held at a particular prison but by zoom so determining where she is working at any one day is difficult.
8. Defendants will not be unduly prejudice by the granting of this motion.
9. The granting of this motion will not impact on the other scheduled events or the trial in this matter. The granting of his motion will serve the best interest of justice.
10. This Court has the inherent power to grant this motion.

WHEREFORE, the Plaintiff requests this Court grant this motion for the reasons stated above and allow the filing of the proof of service of subpoena by or on July 18, 2022.

Respectfully submitted,

/s/ Daniel E. Manville
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PROOF OF SERVICE

I, Daniel E. Manville certify, under penalty of perjury, that on July 8, 2022, I caused a copy of the above document to be served by the ECF system on Defendants' counsel.

/s/ Daniel E. Manville
Daniel E. Manville